

Appl. No. 10/005,299
Amendment dated July 2, 2007
Reply to Office Action of April 11, 2007

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REMARKS/ARGUMENTS

Claims 1-26, 44-47, and 53-97 are presented for the Examiner's consideration. Claims 27-43 and 48-52 are canceled. Claims 1-26, 44-47, and 53-97, and more specifically claims 4, 5, 8, 22-26, 47, 53-82, 86, and 87, are the subject of a petition submitted under 37 C.F.R. § 1.144, a copy of which is enclosed. Pursuant to 37 C.F.R. § 1.111 and 37 C.F.R. § 1.144, reconsideration of the present application in view of the following remarks is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Chen does not teach or suggest each and every element of the claimed invention.

By way of the Office Action mailed April 11, 2007, the Examiner rejects claims 1-3, 6-7, 9-21, 44-46, 83-85 and 88-97 under 35 U.S.C. § 103(a) as allegedly being obvious and thus unpatentable over U.S. Patent No. 6,261,679 to Chen et al. (hereinafter "Chen"). This rejection is respectfully traversed.

With respect to independent claims 1, 17, 44, and 83, the Examiner concludes that Chen provides an absorbent composition comprising an absorbent material and a cooling compound, without citing any evidence that Chen's absorbent includes a cooling compound. The Examiner points to col. 9, lines 18-32 and col. 19, lines 8-18 as alleged evidence of Chen disclosing a cooling compound. At col. 9, lines 18-32, Chen discusses adding activated carbon fibers in an absorbent to assist in absorbing odors in the form of basic or acidic compounds. Chen discloses a treated activated carbon fiber; it does not disclose a cooling compound and it certainly does not disclose a cooling compound having an endothermic effect as claimed in the present application.

Also, contrary to the Examiner's assertion that in this col. 9 passage Chen "discloses the use of HCl," to produce an endothermic effect, Chen does not disclose the inclusion of HCl in or the use of HCl with Chen's absorbent. Chen merely discloses the potential ability to neutralize HCl from an outside source.

This paucity of relevant disclosure is not corrected by the text of col. 19, lines 8-18 as cited by the Examiner. Although Chen does actually use the word "cooling" in this passage, Chen uses it in reference to the rate at which a solution is cooled in a method for the freeze-drying preparation of an absorbent. Nowhere in this passage nor anywhere else does Chen disclose an absorbent composition including a cooling compound, wherein the cooling compound has an endothermic effect as claimed in the present application.

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Contrary to the Examiner's claim, Chen does not disclose, teach, or suggest an absorbent composition including, *inter alia*, a cooling compound of any sort, particularly one such as that described and claimed in the instant application. In fact, Chen does not disclose, teach, or suggest a cooling compound, a cooling effect, or an endothermic effect in any respect. The specific passages in Chen referenced by the Examiner have nothing to do with a cooling compound, a cooling effect, or an endothermic effect of any kind.

More specifically, claim 1 is directed to an absorbent composition including a water-swelling, water-insoluble absorbent material; and a cooling compound, wherein the cooling compound has an endothermic effect, wherein the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. Contrary to the Examiner's claim, Chen does not disclose an absorbent composition including a cooling compound, wherein the cooling compound has an endothermic effect, wherein the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. In fact, Chen does not disclose a cooling compound, a cooling effect, or an endothermic effect in any respect.

Claim 17 is directed to an absorbent composition including a water-swelling, water-insoluble acidic absorbent material; and a cooling compound, wherein the cooling compound has an endothermic effect and is a basic compound capable of neutralizing the acidic absorbent material, wherein the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. Contrary to the Examiner's claim, Chen does not disclose an absorbent composition including a cooling compound, wherein the cooling compound has an endothermic effect and is a basic compound capable of neutralizing the acidic absorbent material, wherein the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. In fact, Chen does not disclose a cooling compound, a cooling effect, or an endothermic effect in any respect.

Claim 44 is directed to a method for producing an absorbent composition capable of exhibiting a cooling effect, the method including selecting a water-swelling, water-insoluble absorbent material; selecting a cooling compound having an endothermic effect; and combining the absorbent material and the cooling compound to form the absorbent composition such that the

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absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. Contrary to the Examiner's claim, Chen does not disclose selecting a cooling compound having an endothermic effect, nor does Chen disclose combining the absorbent material and the cooling compound to form the absorbent composition such that the absorbent composition exhibits an absorbent capacity of at least 10 grams of 0.9 wt% NaCl saline per gram of the absorbent composition and a cooling effect of at least a 2°C reduction in temperature of at least a portion of the absorbent composition. In fact, Chen does not disclose a cooling compound, a cooling effect, or an endothermic effect in any respect.

Claim 83 is directed to an absorbent composition including a superabsorbent material; and a sufficient amount of cooling compound such that the absorbent composition is adapted to provide a cooling effect in at least a portion of the composition while absorbing aqueous liquid. Contrary to the Examiner's claim, Chen does not disclose a sufficient amount of cooling compound such that the absorbent composition is adapted to provide a cooling effect in at least a portion of the composition while absorbing aqueous liquid. In fact, Chen does not disclose a cooling compound or a cooling effect in any respect.

With respect to dependent claims 2, 3, 6, 7, 9-16, 18-21, 45, 46, 84, 85, and 88-97, the Examiner states that the "absorbent material and cooling compound may be acidic and basic, respectively" without providing a citation to where this might be found in Chen, over and above the total lack of a cooling compound as discussed above. As a result, the entire subject matter of these claims is attributed to "discovering the optimum value requir[ing] only a level of ordinary skill in the art." One cannot "optimize" the pH etc. of certain elements (e.g. a cooling compound) if those elements are non-existent in the prior art, as discussed above. In the alternative, claims 2, 3, 6, 7, 9-16, 18-21, 45, 46, 84, 85, and 88-97 are dependent claims that depend from an allowable independent claim, and are thus allowable themselves for the reasons stated above with respect to independent claims 1, 17, 44, and 83.

Further, and with respect to claims 1-3, 6, 7, 9-21, 44-46, 83-85, and 88-97, Chen does not disclose, teach, or suggest the subject matter of these claims, the Examiner does not establish a *prima facie* case of obviousness, and the Examiner cites no secondary art sufficient to solve any of these shortcomings.

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In view of the remarks set forth in this section, Applicant respectfully submits that claims 1-3, 6, 7, 9-21, 44-46, 83-85, and 88-97 are in condition for allowance and respectfully requests favorable consideration and the timely allowance of those claims.

In conclusion, and in view of the remarks set forth above, Applicant respectfully submits that the application and the claims are in condition for allowance and respectfully requests favorable consideration and the timely allowance of claims 1-3, 6, 7, 9-21, 44-46, 83-85, and 88-97 and the withdrawn claims in view of the patentability of generic claims. If any additional information is required, the Examiner is invited to contact the undersigned at (920) 721-8863.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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